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In re Application of : DECISION ON
CHEN, Tao et al. :
US Application No.: 09/674,191 :
PCT Application No.: PCT/US99/09076 : PETITION
Int. Filing Date: 27 April 1999 :
Priority Date: 28 April 1998 : UNDER
Attorney's File Reference: 016303-007010US :
For: POLYANIONIC POLYMERS WHICH : 37 CFR 1.47(a)
ENHANCE FUSOGENICITY

This decision is in response to applicants' "RENEWED PETITION UNDER 37 CFR 1.47(a)", filed 08 March 2002 in response to the Office action of 28 September 2001. The renewed petition requests acceptance of the application without the signature of co-inventor Jung Soo Kim (Kim).

BACKGROUND

On 08 March 2002, applicants filed the present "RENEWED PETITION UNDER 37 CFR 1.47(a)", which responds to the Office action of 28 September 2001 and which was accompanied by, inter alia, a combined declaration and power of attorney signed by David Tirrell and another combined declaration and power of attorney signed by Yuehua He. Neither declaration includes the country of citizenship of nonsigning inventor Kim.

DISCUSSION

35 USC 115 entitled "Oath of applicant" states in part:

The applicant shall make oath . . . and shall state of what country he is a citizen.

Further, 37 CFR 1.497 entitled "Oath or declaration under 35 USC 371(c)(4)" states in part:

When an applicant of an international application desires to enter the national stage . . . he or she must file an oath or declaration that: . . . (3) Identifies each inventor and the country of citizenship of each inventor . . .

Neither the declaration filed 18 June 2001 nor either of the declarations filed 08 March 2002 provide the country of citizenship of nonsigning co-inventor Kim as is required by statute. The applicants' statement as to the presence of the citizenship of co-inventor Kim on the PCT Request is noted, however by statute such an indication must be set forth in the declaration itself.

CONCLUSION

The petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within ONE (1) MONTH from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. No extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response to this decision will result in ABANDONMENT of the application.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

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